

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EUGENE MCALLISTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:13-CV-02492CEJ
)	
EDDIE BOYD, ET AL.,)	
)	
Defendants.)	

***DEFENDANT EDDIE BOYD'S MOTION FOR LEAVE TO TAKE
DEPOSITION OF EUGENE MCALLISTER***

COMES NOW Defendant, Eddie Boyd, by and through undersigned counsel, and for his Motion to Take Deposition of Eugene McAllister, states as follows:

1. Plaintiff Eugene McAllister is incarcerated inmate #1236974 at South Central Correction Center, 255 W. Highway 32, Licking, MO 65542-9843.
2. Pursuant to Rule 30 of the Federal Rules of Civil Procedure, "a party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2): if the deponent is confined in prison." Fed. R. Civ. P. 30(a)(2)(B).
3. Further, and pursuant to Rule 30 of the Federal Rules of Civil Procedure, "a party who wants to depose a person by oral questions must give reasonable written notice to every other party." Fed. R. Civ. P. 30(b)(1). This court has granted leave pursuant to the case management order (Doc. No. 26.) upon reasonable notice.

4. Counsels for Defendants are able to set the deposition at 9:00 A.M. on September 2, 2014 at South Central Correction Center, 255 W. Highway 32, Licking, MO 65542-9843.

5. By filing of this notice on August 27, 2014, Plaintiff will be given six days notice of this deposition.

6. Separate counsel for Defendants have agreed on this date and as Plaintiff is incarcerated shortened notice will not be to the prejudice or hardship of any party. (This motion and notice of deposition is being sent via overnight mail to Plaintiff.)

WHEREFORE, Defendant requests that this court grant his Motion for Leave to Take Deposition of Eugene McAllister.

/s/Peter J. Dunne

Peter J. Dunne #31482

Robert T. Plunkert #62064

PITZER SNODGRASS, P.C.

Attorney for Defendant Eddie Boyd

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Certificate of Service

I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 27th day of August, 2014 to be served either by operation of the Court's electronic filing system, or by First Class Mail, upon the following:

Plaintiff Eugene McAllister, Inmate No. 1236974
S.C.C.C.
255 W. Highway 32
Licking, Missouri 65542

and

Ms. Lorena V. Merklin Von Kaenel
St. Louis County Counselor's Office
County Government Center
41 South Central, 9th Floor
Clayton MO 63105
Attorney for Defendant Dean

/s/ Peter J. Dunne